

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Defendants Apple, Inc., Hachette Book Group, Inc., HarperCollins Publishers L.L.C. (incorrectly sued herein as “HarperCollins Publishers, Inc.”), Macmillan Publishers, Inc., Penguin Group (USA), Inc., and Simon & Schuster, Inc. (collectively, the “Defendants”), hereby notify the Court,<sup>1</sup> pursuant to Civil Local Rule 3-12, of the pendency of eight other actions which involve the same or similar subject matter and substantially all of the same parties as the instant action (“*Petru*”), all pending in the United States District Court for the Southern District of New York:

- *Burstein, et al. v. Apple, Inc., et al.* (11-cv-5621 S.D.N.Y.) (“*Burstein*”)
- *Cheatham, et al. v. Apple, Inc., et al.* (11-cv-5750 S.D.N.Y.) (“*Cheatham*”)
- *Evans, et al. v. Apple, Inc., et al.* (11-cv-5609 S.D.N.Y.) (“*Evans*”)
- *Grover, et al. v. Apple, Inc., et al.* (11-cv-5576 S.D.N.Y.) (“*Grover*”)
- *Lingofelt, et al. v. Apple, Inc., et al.*, (11-cv-5976 S.D.N.Y.) (“*Lingofelt*”)
- *John T. Meyer, et al. v. Apple, Inc., et al.* (11-cv-5896 S.D.N.Y.) (“*J. Meyer*”)
- *Paul J. Meyer, et al. v. Apple, Inc., et al.*, (11-cv-5898 S.D.N.Y.) (“*P. Meyer*”)
- *Sotomayor, et al. v. Apple, Inc., et al.*, (11-cv-5707 S.D.N.Y.) (“*Sotomayor*”)<sup>2</sup>

In addition to the four related actions pending in this District of which this Court is aware,<sup>3</sup> these eight other cases (all collectively, the “Related Cases”) and this action involve an antitrust class action against six defendants relating to the unilateral and independent decisions by five of the major publishing houses, in connection with Apple’s launch of its iBookstore and its iPad device, to begin selling their eBooks pursuant to an agency relationship. While there are some substantive

<sup>1</sup> In making this notice, Defendants are making a special appearance and preserve their right to object to this action and to raise any defense pursuant to Rule 12 of the Federal Rules of Civil Procedure, including but not limited to improper venue, insufficient process, insufficient service of process or lack of personal jurisdiction.

<sup>2</sup> True and correct copies of the complaints in these related actions are attached hereto as Exhibits A-H.

<sup>3</sup> *Diamond, et al. v. Apple, Inc., et al.* (11-cv-3954 N.D. Cal.); *Gilstrap, et al. v. Apple, Inc., et al.* (11-cv-4035 N.D. Cal.); *Albeck, et al. v. Apple Inc., et al.* (11-cv-4110 N.D. Cal.); *Rossmann, et al. v. Apple Inc., et al.* (11-cv-04192 N.D. Cal.).

1 differences amongst the allegations in these Related Cases, they all involve the same core group of  
2 defendants and the same conduct.

3 On August 16, 2011, Plaintiffs in two of the Related Cases, *Evans* and *Grover*, filed a  
4 motion with the Judicial Panel on Multidistrict Litigation ("JPML") to transfer and consolidate all  
5 of the then-filed actions, including *Petru*, pursuant to 28 U.S.C. § 1407. The Defendants believe  
6 that such transfer and consolidation of all of the Related Cases will avoid conflicts, conserve  
7 resources, and otherwise promote efficient determination of the actions. Defendants do not see a  
8 need to request independently a transfer of any of the cases because of the pending motion before  
9 the JPML.

10 DATED: August 26, 2011

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18 I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this  
19 Notice Of Pendency Of Actions Or Other Proceedings. In compliance with General Order 45, X.B.,  
I hereby attest that each of the following signatories has concurred in this filing.

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